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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,384	08/23/2004	William Hodges		5490

7590
William Hodges
2621 Deacon Street
Philadelphia, PA 19129

12/28/2006

EXAMINER

MULLEN, THOMAS J

ART UNIT	PAPER NUMBER
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2612

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/28/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary

Application No.

10/829,384

Applicant(s)

HODGES, WILLIAM

Examiner

Thomas J. Mullen, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/22/06 thru 11/7/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The responses filed 6/22/06, 8/8/06, 9/14/06 and 11/7/06 have been fully considered. The replacement Title ("Electronic Loss Prevention Unit") is approved.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. The drawings filed 8/8/06 are objected to because the element(s) constituting the "Sending Device Enclosure" of Fig. 3 and the "Receiver Device Enclosure" of Fig. 4 are not clearly shown, i.e. these figures are merely poor photocopies of a physical device(s) from which the general nature of such device(s), and the particular feature(s) and/or component(s) of such device(s), cannot be determined from each figure; further, there are no reference numerals in these figures to particularly identify the specific feature(s) and/or component(s) of these "Enclosures" (note the drawing objection in the previous office action discussing the need for reference numerals).

The drawings filed 8/8/06 are objected to because in Fig. 2, block 7, "Modifer" should be --Modifier--.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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4. The substitute specification filed 6/22/06 (i.e., the single sheet having the title and the heading "Description" followed by several sections, e.g. "Field of the Invention") has not been entered because it does not conform to 37 CFR 1.125(b) and (c), because it is not accompanied by the "no new matter" statement required by 37 CFR 1.125(b). Further, the substitute specification lacks a "Detailed Description" of the invention (see paragraph 3, item (i) in the previous office action, and note the format of the specification in the patents cited).

5. The amendments filed 6/22/06, 8/8/06 and 11/7/06 are objected to under 35 U.S.C. 132(a) because they introduce new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

the receiver/alarm unit being embodied in a "cell phone" (see paragraph 5 in the previous office action). Applicant's original disclosure (i.e., as of the filing date 8/23/04) merely teaches that a cell phone may be one of a wide variety of article to which the "sender unit" may be attached, so that any such articles may be found if misplaced (i.e., by means of the person or owner being alerted by the receiver/alarm which is carried or worn by the person or owner). There is no support in the original disclosure for the receiver/alarm unit to be structurally and/or functionally incorporated with a cell phone per se (e.g., for the receiver/alarm unit to employ inherent cell phone components to support its operation, such as the cell phone's ringer or display for alerting purposes).

Applicant is required to cancel the new matter in the reply to this Office Action.

6. Claim 6 is rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

(See paragraph 9 in the previous office action.) The claim is narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

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7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over any one or more of the following references:

Perez et al (US 5289163), see especially the Abstract, Fig. 1 and col. 3, lines 19-35.

Hemingway (US 5119072), see especially the Abstract, Figs. 1-4 and col. 2, lines 50-63.

Cox (US 4598272), see especially the Figure and col. 3, line 36 to col. 4, line 40.

Musa (US 5557259), see especially the Abstract, Figs. 1 and 3-5 and col. 2, lines 50-58.

Hartung (US 5801627), see especially the Abstract, Fig. 1, col. 3, lines 3-5 and 34-38, and col. 5, lines 10-11.

Campana (US 5640146), see especially the Abstract, Figs. 1, 3 and 14 and col. 15, lines 36-50.

Russo et al (US 5640144), see especially the Abstract, Fig. 1, col. 2, lines 59-67, and col. 5, lines 8-12.

LaRosa (US 5402104), see especially the Abstract, Figs. 1-4 and col. 2, line 60 to col. 3, line 7.

McDonald et al (US 2004/130448), see especially Fig. 1 and paragraphs 0007, 0013, 0035, 0037 and 0042.

Wentworth (US 6529131), see especially the Abstract, Figs. 1-3 and col. 9, lines 39-53.

Irvin (US 6297737), see especially the Abstract, Figs. 2-3 and col. 2, lines 13-29.

Each of the references listed above are considered to substantially teach all the features of applicant's disclosed device (as best understood); however, to the extent that one or more features may be missing from a given reference, it is considered that any such teachings or features (i) would have been obvious to one of ordinary skill in the art at the time of the invention as being conventional teachings and/or well known features associated with these types of systems, and/or (ii) are found in at least one other of the listed references, such that combining the teachings of such references would have been obvious to one of ordinary skill.

See paragraph 11 in the previous office action.

8. COMMENT: Applicant has not presented any remarks or arguments (in the responses filed 6/22/06, 8/8/06, 9/14/06 and 11/7/06) asserting why the claim(s) as submitted are considered to define patentable subject matter over the prior art of record which was used to

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reject the claim(s) under 35 U.S.C. 102 or 103 (i.e., the references discussed in paragraph 7 above). Applicant's responses thus fail to comply with 37 CFR 1.111(b) in this regard. (See the 20 page "Appendix" attached to the previous office action.)

9. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Mullen, Jr. whose telephone number is 571-272-2965. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu, can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJM


THOMAS MULLEN
PRIMARY EXAMINER
AU 2612